

Amended Complaint

3:05-cv-30053-KPN McCrea v. Geoffrion, Lyons, and O'Connor

United States District Court
District of Massachusetts

On March 31, 2005, the Plaintiff in this action was ordered by Judge Marie Lyons to appear before her regarding the divorce proceeding 03D-1572, and to have in his possession proof of an application to refinance his home located at 17 Daytona Street, Springfield, MA, and a contact person's name and telephone number.

Prior to going before Judge Lyons, this Plaintiff gave Attorney O'Connor a piece of paper indicating AmeriQuest located at 1500 State Street, Suite 2518 Springfield, MA with the telephone number 1-888-774-8553 , and Ryan Boulanger as the contact person. While sitting in Courtroom 1 (one), Plaintiff observed Attorney O'Connor exiting the courtroom with both her cell phone and this very same piece of paper in her hands. After several minutes , she re-entered courtroom 1 and asked to see the Plaintiff outside the courtroom . She said, "You're approved for the loan." Plaintiff found it incredulous that my wife's attorney knew about the status of the loan before him. Plaintiff said, "I didn't sign a release for you to speak to the mortgage company. Who did you speak to?" Attorney O'Connor became evasive, "I spoke to a man, I don't recall his name." Plaintiff asked, "Was it Paul Gorski?" She said, "No." Plaintiff asked, "Was it Ryan Boulanger?" She again replied, "No, all I remember is it was a man." She

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showed the Plaintiff the back of the paper Plaintiff had given to Attorney earlier that day. She had scribbled instructions from AmeriQuest asking for Plaintiff's W-2s from 2003 and 2004, two recent pay stubs from his places of employment, a copy of his home owner's insurance policy, and a letter from Plaintiff's tenant stating how long she has rented as well as the her monthly rent payment. This being concluded, we both re-entered the courtroom. After a few more cases , we went before Judge Lyons. Attorney O'Connor admitted in open court that she called AmeriQuest, and spoke "with a gentleman" who told her my loan was approved, and informed her what the Plaintiff needed to do next as related above. Judge Lyons did not question Attorney O'Connor about her tactics in obtaining this information. Plaintiff did not utter a protest or complain due to fear of being cited for contempt as Judge Lyons has a history citing both those who appear before her and attorneys with a charge of contempt if they raise her ire or displeasure. Plaintiff usually had in his possession \$300 to \$400 whenever he went before Judge Lyons just for this purpose; however, on 3-31-05, Plaintiff only had \$23 on his person and was fearful of being charged with contempt if he asserted his constitutional rights to privacy; therefore, Plaintiff reluctantly did not openly challenge the court regarding his rights to privacy as this Attorney is in no way an agent for the Plaintiff. This is a deliberate and willful violation of not only the Plaintiff's Constitutionally protected rights, but is also a violation of the Privacy Act of 1974.

This act was amended in 1983. The Privacy Act mentions "willful or intentional violations" of the law. Under what is known as the Code of Fair Information Practices, two tenets stand out, namely, "The right to limit disclosures to outsiders who have not first received consent and the right to know how one's personal information is used and who has access to it." And secondly, "The right to legal recourse to enforce expectations to confidentiality,"

Included in this amended complaint is a copy of the document in question with the handwriting of Attorney Nancy D. O'Connor on both the front and back of this particular document.

Signed under the pains and penalties of perjury this fifth day of April, 2005

A handwritten signature in black ink, appearing to read "Willie J. McCreary II, Pro se". The signature is fluid and cursive, with "Willie J. McCreary II" on top and "Pro se" below it.

Willie J. McCreary II, Pro se

Application to Refinance

03D-1572

AMERIQUEST
MORTGAGE COMPANY
1500 MAIN STREET
SUITE 2518
SPRINGFIELD, MA 01115

888
8/11/05 13

413
730-66610

CONTACT PERSON :
RYAN BOULANGER
1-888-774-8553

SUBMITTED
ON THIS 31ST DAY OF MARCH, 2005

Willie J. McCreary II
WILLIE J. MCCREARY II

7 day right of
recession

Zip Code 2-3-7-9
2nd flr 45
Supporting doc
W2's
Q1, Q2, Q3, Q4

2003 + 4 yrs W25

2 most recent pay stubs

Copy of Homeowner's Ins
Policy

2 Family - Rental
Agreement
J John Doe
Mo to mo

~~Dash~~ Signature with
forms